

From: Lois Laczko October 10, 2008 11:28:45 AM
Subject: Zoning Commission Minutes 09/15/2008 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
SEPTEMBER 15, 2008
REGULAR MEETING
I. CALL TO ORDER

Austin Barney, Chairman, called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Garrett Delehanty, Jr., Bruce Elliott, James Gallagher, John Vaughn, Madeline Gilkey and Ed Pabich. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Barney appointed Ed Pabich to serve in the absence of Scott Barnett.

Chairman Barney welcomed Ed Pabich, the newest alternate member, to the Commission.

III. APPROVAL OF MINUTES of August 11, 2008

Mr. Elliott made several edits to the minutes.

Mr. Gallagher made a motion to approve the August 11, 2008 minutes as amended. Mr. Elliott seconded the motion, which was unanimously approved.

Mr. Peck stated that there is Legislation that starts October 1, 2008, which indicates that the Town needs to have the draft minutes on the Town's website as of this date. The draft minutes will be posted on the website and will stay there as well as the adopted minutes when they are approved. This will allow people to have access to the draft and adopted minutes.

Mr. Delehanty read the call.

IV. PUBLIC HEARING (s)

a. Application of Louis Sperandio, Victor Carnelli, and Raymond Carnelli, Owners, Kevin Kowalski, Fire Marshal - Simsbury Fire District, Agent, for a Special Exception, pursuant to Article Eight, Section A.9 of the Simsbury Zoning Regulations to allow for an increase in lot coverage on property located at 981 - 987 Hopmeadow Street. PO Zone.

Kevin Kowalski, Agent for the applicant and Fire Marshal, stated that this application has already been before the Zoning Commission. He stated that initially, the building was very close to the property line. They have since talked to their neighbors and have moved the property line closer to the building. Mr. Kowalski stated that they did receive a variance to move the building and driveway closer to the property line. When doing this, there was a lot coverage issue regarding the bank lot; there was an increase from 40% to 50.5%. Chairman Barney stated that this Special Exception is to take the 40% lot coverage on the bank property and increase it to 50.5%.

Chairman Barney questioned if the current owners own both sites, one of which they lease to the bank. Mr. Kowalski stated that was correct.

Ms. Gilkey questioned what the purpose of moving the building away from the property line was. Mr. Kowalski stated that they moved the building forward to accommodate the neighbors; they also moved further away from the Westminster School's grand entrance.

During the planning, Mr. Kowalski stated that a 40' buffer was required in the rear of the property. In addition to this, the Mason's enhanced it even more by adding Spruce trees in that area.

Chairman Barney questioned if the two sites would have shared parking and a shared driveway. Mr. Kowalski stated that there would be shared parking. They discussed having a shared driveway, because they could not come up with an agreement, there will be two driveways. He stated that he is currently talking with the State DOT regarding curb cuts. Mr. Kowalski stated that they have also reviewed this with the Town Engineer, who believes that the impact to the street is fine.

Mr. Peck stated that he spoke with the Town Engineer who believes that this is the best plan with regard to the neighbors and to Westminster School. The Town Engineer also does not feel that there are any drainage issues on the site. Regarding the curb cut, when this application first came in, the applicant wanted two things: parking in the rear, which they have been able to significantly screen; and one curb cut, although this was not able to be done given the ownership of the property.

Chairman Barney questioned when the Mason's meet at their hall. Mr. Kowalski stated that they meet four times per month in the evenings. They will also meet occasionally on a Saturday.

Chairman Barney closed the hearing at this time.

b. Application of Mark Mitchell, Mitchell Auto Group, Inc. - Owner, B. Charles Milner, Agent, for a Special Exception, pursuant to Article 10, Section H of the Simsbury Zoning Regulations to allow for wine tasting at the Rotary Club of Simsbury - Granby fund raiser to be held on October 16, 2008 on property located at Mitchell Volvo, 384 Hopmeadow Street. B-2 Zone.

Charles Milner, Agent for Mr. Mitchell and members of the Simsbury/Granby Rotary, stated that they need a Special Exception in order to host a fundraiser for the Rotary at Mitchell Volvo on October 16th. He stated that one of the components of this fundraiser is to conduct a wine tasting. The wine tasting will be managed by Valley Fine Wine and Liquor based in Simsbury; they will be bringing in wine distributors who will be serving the wine. This fundraiser will provide funds for outreach projects that the Rotary is involved in.

Chairman Barney questioned who the applicant was. Mr. Milner stated that the Rotary Club was the applicant and that Mr. Mitchell, who is a member of the Club, has offered the venue.

Chairman Barney asked if the people who would be serving the wine were TIPS trained. Mr. Milner stated that they are wine distributors and this is a normal course of business for them. They are hoping to generate business for themselves through sales of the wine they are serving. He stated that, through Valley Wine, he would make sure they are appropriately trained.

Mr. Elliott questioned if the Rotary Club has done this type of fundraiser in the past. Mr. Milner stated that they have not, although other Rotary Clubs have. He stated that their main fundraisers are the golf tournament and the road race.

Chairman Barney stated that safety is an issue. Mr. Milner stated that if they receive approval from this Commission tonight, they will need to apply with the State. Mr. Peck stated that the Rotary Club is insured for this event. Also, the Simsbury Police Department has been contacted and their presence will be required at this event.

Mr. Pabich stated that the Zoning Commission needs to approve not only the wine tasting but also the sale of wine.

Chairman Barney closed the hearing at this time.

c. Amendment to Article Seven, Section M of the Town of Simsbury's Floodplain zone Regulations as required by FEMA.

Mr. Peck stated that this amendment to the Regulation is required by the State as the agency for FEMA. This requires that the Town adopt, by reference, the new flood maps that are dated September 26, 2008. The old maps were very difficult to read. Mr. Peck stated that there are two maps that the Town currently uses. One is for floodplain elevations and aerial extent. The second map is for the floodway. The new maps place both of these on one map and also on a photo-based map, which allows the ability to see where the houses are located in relation to the floodplains and the floodways. He stated that these new maps are a significant improvement.

Mr. Peck stated that there is very little change to the maps regarding Simsbury. There is one small change in the southeast section of Town and two small changes in Tariffville, although there are no changes in the aerial extent. Mr. Peck stated that some residents have called the Town to see if their houses have changed because of the map changes.

Mr. Peck stated that Town staff recommends that the Zoning Commission adopt this amendment, referencing the September 26th maps.

Mr. Delehanty asked Mr. Peck to explain the section of Article Seven regarding the map amendment. Mr. Peck stated that residents are able to file for a map amendment if they do not agree with the FEMA maps. FEMA would then do an evaluation of that area to see if that property was mismatched.

Chairman Barney closed the hearing at this time.

V. PRESENTATION(s)

a. Application of Louis Sperandio, Victor Carnelli, and Raymond Carnelli, Owners, Kevin Kowalski, Fire Marshal - Simsbury Fire District, Agent, for Site Plan Approval to construct Masonic Lodge on property located at 991 Hopmeadow Street. PO Zone.

Kevin Kowalski, Agent for the applicant and Fire Marshal, stated that, regarding the Site Plan, a lot of input has come from the neighbors and Westminster School. The property sits next to Westminster School's grand entrance, which is very important to the Mason's. Maintaining a rear buffer for the neighbors is also important to them.

Mr. Kowalski stated that the zone of the property has been changed from Residential to Professional Office. Initially, the conceptual building was

just a box. Since then, they have made some changes to the building, which the neighbors and Westminster School feel are positive. Mr. Kowalski stated that the Design Review Board has also given them a favorable recommendation.

Regarding the parking, Mr. Kowalski stated that they are currently working on a shared parking agreement. Regarding the lighting, they wanted to keep the lighting away from the residential neighbors behind them and only have the lights shining on the parking area. Regarding the driveway, Mr. Kowalski stated that he is currently talking with the State DOT regarding the curb cuts for the driveway. He has also talked to Rich Sawitzke regarding this issue. The site also has an adequate entrance and exit for emergency vehicles.

Regarding the landscaping for the property, Mr. Kowalski stated that they have added an additional 15'-20' buffer in the rear of the property with additional Blue spruce trees extending near Westminster School. The applicant would also like to save the large Oak tree in the front of the proposed building.

Mr. Delehanty questioned what the stockpile area that was listed on the plan would be for. Mr. Kowalski stated that the stockpiling of topsoil would be in a non-buildable area during development.

Neil Clark, from JMK Architecture, showed pictures of the site to the Commission members. He stated that the function of the hall is what drove the configuration of the plan. The key element is the main meeting hall, which historically, is on an east/west axis and the room is often square. Mr. Clark stated that the proposed building is a one-story building that is 4,265 s.f. The corner of the building will be softened by the positioning on the east/west axis. He stated that the design of the building is simple but distinctive; it fits in well with the neighborhood and community. The building will be white with a dark brown roof, which the Design Review Board has already approved.

Chairman Barney questioned if the east side main entrance that faces Hopmeadow Street would be used often. Mr. Clark stated that the back entrance would be used the most.

Regarding the east-facing façade under the gable, Mr. Elliott questioned if there were windows in that area. Mr. Clark stated that these windows are for natural light; the room will have vaulted ceilings. Chairman Barney questioned if the applicant would be discussing lighting or signage. Mr. Kowalski stated that they would be back before this Commission in the future regarding those issues.

Chairman Barney questioned how many people attend the Masonic Lodge. Mr. Smith, One Forest Lane, Simsbury and member of the Mason's, stated that there are approximately 140 paying members, although 45% of them live out of State. He stated that at most functions, there are approximately 40 people. Mr. Kowalski stated that they based the parking area allowance on the maximum allowable space inside the building, which is in excess of 100 people. Chairman Barney stated his concerns regarding the space being big enough to accommodate their needs. Mr. Clark stated that the proposed building is bigger than what the Mason's currently have.

Chairman Barney questioned if the building would be used by other groups. Mr. Smith stated that they are not interested in renting out the building to the general public, although they do not want to preclude the possibility. He stated that they are not seeking this as a source of revenue.

Chairman Barney questioned if shared parking would definitely happen. Mr. Kowalski stated that he believes it will, although there is another format, which will allow added parking. Although they do not want to expand the parking because of the expense and maintenance, if needed, there is another 15' to extend the parking and still remain outside of the 40' buffer area. Mr. Kowalski stated that, at this point, he believes there will be shared parking. He stated that currently, the Mason's existing building has 10 parking spaces.

Ms. Gilkey questioned how many parking spaces there would be in total with the Mason's parking lot and the two adjacent lots. Mr. Kowalski stated that the Mason's are proposing 18 spaces and there is an additional 53 spaces between the adjacent properties. Ms. Gilkey also questioned if the lighting in the parking area would be facing the building. Mr. Kowalski stated that there will be down directional lighting, although this has not yet been approved by the Design Review Board. They are proposing directional lighting to shine away from the residential houses and onto the parking lot and the rear of the building.

Chairman Barney questioned if the additional Blue spruce on the property was a voluntary offer by the Mason's. Mr. Kowalski stated that it was voluntary. The Mason's pledged to the neighbors that they would not see the lights in the parking area or headlights from cars.

Chairman Barney questioned if there was any additional landscaping in the front of the building other than what already exists. Mr. Kowalski stated that the only landscaping noted on the plans is what already exists. They will be putting in additional landscaping, although they do not have a plan yet. Although the applicant has not come before this Commission with a planting scheme, they are proposing the brick to continue from the driveway

to the front of the building.

VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Elliott made a motion to approve the application of Louis Sperandio, Victor Carnelli, and Raymond Carnelli, Owners, Kevin Kowalski, Fire Marshal - Simsbury Fire District, Agent, for a Special Exception, pursuant to Article Eight, Section A.9 of the Simsbury Zoning Regulations to allow for an increase in lot coverage on property located at 981 - 987 Hopmeadow Street. PO Zone. Mr. Delehanty seconded the motion, and it passed unanimously.

Mr. Gallagher made a motion to approve the application of Mark Mitchell, Mitchell Auto Group, Inc. - Owner, B. Charles Milner, Agent, for a Special Exception, pursuant to Article 10, Section H of the Simsbury Zoning Regulations to allow for wine tasting at the Rotary Club of Simsbury - Granby fund raiser to be held on October 16, 2008 on property located at Mitchell Volvo, 384 Hopmeadow Street. B-2 Zone. Mr. Elliott seconded the motion, and it passed unanimously.

Mr. Delehanty made a motion to approve the text amendment to Article Seven, Section M of the Town of Simsbury's Floodplain zone Regulations as required by FEMA as provided by the Town Planner with the changes and deletions and additions as shown. Mr. Gallagher seconded the motion, and it passed unanimously.

Article Seven: The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Maps (FHBM), Nos. H-03, -06, -08 and -10, dated May 16, 1977, and any revisions thereto, are adopted by reference and declared to be part of this chapter; or the areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for Hartford County, Connecticut (All Jurisdictions) dated September 26, 2008 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto, are hereby adopted and made part of this chapter.

Mr. Elliott made a motion to approve the map amendment to the Zoning Map for the Town of Simsbury reflecting the FEMA changes. Mr. Delehanty seconded the motion, and it passed unanimously.

Mr. Peck stated that the plans for the Masonic Lodge does show lighting in the rear of the parking lot and also shows a sign in the front of the property, although the applicant has agreed to come back with these plans at a later date.

Mr. Delehanty made a motion to approve the application of Louis Sperandio, Victor Carnelli, and Raymond Carnelli, Owners, Kevin Kowalski, Fire Marshal - Simsbury Fire District, Agent, for Site Plan Approval to construct Masonic Lodge on property located at 991 Hopmeadow Street, without the indicated signage and lighting, which will come before the Zoning Commission at a later time, as well as the ground planting plan. Mr. Gallagher seconded the motion, and it passed unanimously.

VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. EXECUTIVE SESSION - James Gozzo, 22 Bushy Hill Road, Special Permit for Home Occupation for furniture refinishing business.

The Commission adjourned to Executive Session at 8:00 p.m. with Attorney DeCrescenzo and Mr. Peck.

VIII. STAFF REPORTS

There were none.

The Commission discussed the possibility of having a special meeting on September 22, 2008 in order to discuss Zoning Regulation revisions.

IX. ADJOURNMENT

A motion was made to adjourn the meeting at 9:00 p.m., which was seconded and it passed unanimously.

Garrett Delehanty, Jr., Secretary